IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 531 of 2002(C)

CRL.A.242/1999 OF ADDL. SESSIONS COURT (ADHOC),FAST TRACK COURT NO.I THRISSUR,

CC.826/1997 OF JUDL. MAGISTRATE OF FIRST CLASS COURT, WADAKKANCHERY,

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REVN. PETITIONER/APPELLANT/ACCUSED:

M.K.NARAYANAN S/O.KUNJU,
MANAKULAM PARAMBIL HOUSE,
KUTTUR VILLAGE-DESOM,THRISSUR TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU,
ADV. SRI.P.M.RAFIQ.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA,REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 3441/2002 IN CRL.R.P. NO. 531/2002

DISMISSED

14/11/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R.UDAYABHANU, J

Crl.R.P.No.531 of 2002

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 338 IPC and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for 45 days for the offence under Section 279 IPC and to undergo simple imprisonment for six months for the offence under Section 338 IPC.

2. Counsel for the revision petitioner has only sought for modification of the sentence. The allegation is that on 23.5.1997 at about 11.30 a.m. the accused drove a KSRTC bus bearing registration No.KL15/2348 (TN320) through Chelakkara-Wadakkanchery public road in a rash and negligent manner so as to endanger human life and hit on a pedestrian and that he sustained grievous injuries to his right leg.

3. It is submitted that more than 10 years have elapsed since the date of the incident and the commencement of the

proceedings and that so far the accused/revision petitioner was facing the ordeal of criminal trial and subsequent proceedings and that the sole means of livelihood of the family of the revision petitioner is his income.

4. In the circumstances, the sentence imposed for the offence under Section 338 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.35,000/- to PW1 whose leg got crushed and in default, to undergo simple imprisonment for six months. He is also sentenced to pay a fine of Rs.1,000/- for the offence under Section 279 IPC and in default, to undergo simple imprisonment for two weeks. The revision petitioner is granted four months' time to remit the amount of compensation and fine amount. He shall appear before the Judicial First Class Magistrate Court-Wadakkancherry on 14.3.2008 to receive sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl